IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 12572 of 2002

Between:

K. Gopinath, S/o. Nagaraju, Hindu,

Aged about 18 years, Student,

R/o. Machilipatnam, Krishna District.

..... PETITIONER

AND

1. The Revenue Divisional Officer,

Machilipatnam, Krishna District.

2. The Mandal Revenue Officer,

Machilipatnam, Krishna District.

3. The Convener, EAMCET-2001 Admissions,

Hyderabad.

(Cause title of R3 corrected as per Court

order in WPMP No.17675 of 2002 dated 21.8.2002)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction or any other appropriate writ more particularly in the nature of Writ of Mandamus declaring the inaction of the 1st Respondent in issuing the caste certificate inspite of several representations as wholly arbitrary, illegal, unjust, and violative of Articles 14, 15, 16 and 21 of Constitution of India apart from mandatory provisions of Act 16 of 1993 and Rules thereunder and consequently direct the 1st Respondent to issue the caste certificate to the Petitioner forthwith.

Counsel for the Petitioner:MR.SIVALENKA RAMACHANDRA PRASAD

Counsel for the Respondent Nos.1 and 2: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

The petitioner, at the relevant time when he appeared for Engineering, Agricultural and Medical Common Entrance Test, 2001 (EAMCET-2001), approached the second respondent for issuance of community certificate. Such a certificate was given on 26.2.2000 to the effect that the petitioner belongs to 'Muchi', which is a scheduled caste. It appears that the petitioner's father approached the first respondent for issuance of community certificate based on the community certificate issued by the Mandal Revenue Officer, Machilipatnam, second respondent. As no expeditious orders were passed, the petitioner's father approached the District Collector on 24.12.2001 for necessary action, in vain. In the meanwhile, the admission programme for Engineering commenced and therefore the petitioner filed the present writ petition seeking appropriate directions to the respondents for issuance of community certificate to the petitioner.

In the counter affidavit filed by respondents-1 and 2, it is stated that a report was submitted by the second respondent to the District Collector and as the first respondent is the competent authority for issuing a community certificate for scheduled castes, no action could be taken. Therefore the petitioner is given liberty to approach the first respondent, the Revenue Divisional Officer, Machilipatnam with appropriate application for issuance of community certificate along with necessary documents. The same may be enquired into by the first respondent, who shall pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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V.V.S.RAO,J.

Date : JULY 19, 2004.

Note:

Issue C.C. by

26.07.2004.

(B/o)

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Revenue Divisional Officer,

Machilipatnam, Krishna District.

2. The Mandal Revenue Officer,

Machilipatnam, Krishna District.

3. The Convener, EAMCET-2001 Admissions,

Hyderabad.

4. Two CCs to the Government Pleader for

Social Welfare, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies.